

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KENNETH F. MIZELL, JR.,

Plaintiff,

v.

Case No.: 2:20-cv-229-FtM-38NPM

CERTIFIED AUTOMOTIVE
PERFORMANCE, LLC and JON
SILVIA,

Defendants.

ORDER¹

This matter comes before the Court on review of the file. Plaintiff initiated this *pro se* action by filing a Civil Rights Complaint on April 3, 2020. ([Doc. 1](#)). A month later, he asked for more time to file a motion to proceed *in forma pauperis*, which the Court granted. (Doc. 6). It gave Plaintiff until June 4 to either pay the \$400 filing fee or move to proceed *in forma pauperis*, and it warned him that failure to do so or explain noncompliance would result in the Court dismissing the case without further notice. (Doc. 6). The Court also provided Plaintiff with the forms he needed to complete and file.

To date, however, Plaintiff has not paid the filing fee or moved to proceed *in forma pauperis*. The Court thus dismisses the case without prejudice. If Plaintiff wishes to pursue his claims, he must file a new complaint—under a new case number—and accompany that pleading with the filing fee or appropriate motion. See [M.D. Fla. R](#)

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

1.03(e) (stating “a prisoner case will be subject to dismissal by the Court, sua sponte, if the filing fee is not paid or if the application is not filed within 30 days of the commencement of the action”).

Accordingly, it is now

ORDERED:

1. This above-captioned case is **DISMISSED without prejudice**.
2. The Clerk is **DIRECTED** to enter judgment, deny as moot any pending motions or deadlines, and close this case.

DONE AND ORDERED in Fort Myers, Florida this 8th day of June 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1

Copies: All Parties of Record